

1 WL 1319533, at *4 (N.D. Cal. May 4, 2007). Accordingly, the only relevant defendants here are
2 those within the Department of Homeland Security, and Defendants Michael B. Mukasey and Robert
3 S. Mueller will be dismissed. Moreover, Plaintiff has failed to state any claim against the United
4 States Attorney. Accordingly, Defendant Russoniello will be dismissed.

5 Plaintiff's background check is complete, and USCIS is prepared to adjudicate her
6 application. Ricks Decl., ¶ 10. Accordingly, the Court will exercise its remaining option under
7 § 1447(b), and remand the matter to the USCIS. Scego v. Gonzales, No. 07-0598 MJP, 2007 WL
8 2155724, at *2-3 (W.D. Wash. July 24, 2007).

9 Defendants Mukasey, Mueller, and Russoniello are hereby dismissed, and this matter is
10 remanded to USCIS for adjudication within thirty (30) days of the date of this order. The Clerk shall
11 close the file.

12 IT IS SO ORDERED.

13 Dated:

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15 PHYLLIS J. HAMILTON
United States District Judge
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CERTIFICATE OF SERVICE

Luo v. Chertoff; et al.
C 08-0340 PJH

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following document(s):

PROPOSED ORDER

to be served this date upon the party(ies) as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)** I caused such envelope to be delivered by hand to the person or offices of each addressee below.

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to the party(ies) addressed as follows:

Xiu Fang Luo, Pro Se
63 Mercury Street
San Francisco, California 94104

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 23, 2008 at San Francisco, California.

/s/
MELANIE L. PROCTOR
Assistant United States Attorney